

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ARIEL TAVAREZ, *et al.*,

Defendant.

19 Cr. 690 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

The Court has been advised that, as a result of restrictions on movement at the Metropolitan Correctional Center (“MCC”) and the Metropolitan Detention Center (“MDC”), due in part to the COVID-19 health emergency, inmates detained at those facilities are now permitted to possess and review electronic discovery files in their units. However, at a conference in this case, held on August 20, 2020, the Court was advised by defense counsel that, for two defendants currently detained at the MCC, there were serious problems accessing electronic discovery files on the computers in Defendants’ units. Further investigation by the Court suggests that many of the unit computers at the MCC and MDC are inoperable or otherwise out of service, or alternatively, lack the software necessary to review electronic discovery files. Accordingly, the Court ORDERS representatives from counsels’ office for each of the MCC and MDC to advise the Court of each of the following on or before

**September 25, 2020:**

1. The number of units per facility, the number of computers per unit, the number of working computers per unit, and the number of inmates per unit;

2. Whether each of the working computers is operable with respect to the following programs, which are necessary for the review of electronic discovery files: Adobe Reader (or open source software with substantially similar capabilities), Microsoft Office Suite (or open source software with substantially similar capabilities), VLC Media Player, and Google Chrome (or other browser capable of viewing .html files);
3. The number of operable computers, as defined above, per unit, and the number of inmates reliant on each operable computer for review of electronic discovery files;
4. The availability of facilities that would permit the storing and charging of laptop computers or tablets in each unit in the MCC and MDC; and
5. The security risks, if any, of the introduction of laptop computers or tablets, from which the ability to send and receive information is removed or disabled, for the sole purpose of reviewing discovery and legal materials from:
  - a. electronic discovery files that are preloaded onto said laptop or tablet, or
  - b. a media storage device with electronic discovery files that relate to an inmate's criminal case.

Counsel for the MCC and MDC are further ORDERED to show cause in writing on or before **September 25, 2020**, why laptop computers or tablets

should not be introduced into the units, were such devices (i) incapable of accessing the internet and otherwise sending or receiving information; (ii) supplied by the Criminal Justice Act Case Budgeting Attorney for the Second Circuit Court of Appeals; and (iii) introduced after the development of appropriate security and logistical protocols at each facility and pursuant to such protocols.

The Government is directed to transmit a copy of this Order to the appropriate counsel at each of the MCC and the MDC.

SO ORDERED.

Dated: August 25, 2020  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge